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7 United States of America

8
9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12
13 Plaintiff,
14
15 v.
16 FRANK JONATHAN GUZMAN, and
JOSE CRUZ IVAN AISPURO,
17 Defendants.

CASE NO. 2:19-CR-232-JAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: June 1, 2021
TIME: 9:30 a.m.
COURT: Hon. John A. Mendez

18 **STIPULATION**

19 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
20 through defendant's counsel of record, hereby stipulate as follows:

- 21 1. By previous order, this matter was set for status on June 1, 2021.
- 22 2. By this stipulation, the parties request to continue the status conference to July 6, 2021,
23 and to exclude time between June 1, 2021, and July 6, 2021, under 18 U.S.C. § 3161(h)(7)(A), B(iv)
24 [Local Code T4].
- 25 3. The parties agree and stipulate, and request that the Court find the following:
- 26 a) The government has represented that the discovery associated with this case
27 includes approximately 928 pages of investigative reports, photographs, and other documents, as
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1 well as multiple video and audio recordings. All of this discovery has been either produced
2 directly to counsel and/or made available for inspection and copying.

3 b) The Indictment in this case was returned on December 19, 2020. ECF No. 16.

4 c) Counsel for Defendant Guzman, Kelly Babineau, substituted into this case as
5 counsel of record on February 4, 2020. *See* ECF Nos. 20-22.

6 d) On August 7, 2020, the government produced approximately 36 pages of
7 additional discovery, consisting of investigative reports, to counsel for defendants.

8 e) Counsel for defendants need additional time to review the discovery, meet with
9 their clients to assess the discovery, conduct necessary investigation, conduct legal research into
10 trial issues and sentencing issues, discuss potential resolutions with their clients, and otherwise
11 prepare for trial.

12 f) Counsel for defendants believe that failure to grant the above-requested
13 continuance would deny them the reasonable time necessary for effective preparation, taking into
14 account the exercise of due diligence.

15 g) The government does not object to the continuance.

16 h) Based on the above-stated findings, the ends of justice served by continuing the
17 case as requested outweigh the interest of the public and the defendant in a trial within the
18 original date prescribed by the Speedy Trial Act.

19 i) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
20 et seq., within which trial must commence, the time period of June 1, 2021 to July 6, 2021,
21 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] on
22 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
23 best interest of the public and the defendant in a speedy trial.

24 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
25 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
26 must commence.

27 IT IS SO STIPULATED.
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1 Dated: May 27, 2021

PHILLIP A. TALBERT
Acting United States Attorney

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4 /s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

6 Dated: May 27, 2021

7 /s/ Kelly Babineau
Kelly Babineau
Counsel for Defendant
FRANK JONATHAN
GUZMAN

10 Dated: May 27, 2021

11 /s/ David W. Dratman
David W. Dratman
Counsel for Defendant
JOSE CRUZ IVAN AISPURO

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15 **FINDINGS AND ORDER**

16 IT IS SO FOUND AND ORDERED this 27th day of May, 2021.

17 /s/ John A. Mendez
18 THE HONORABLE JOHN A. MENDEZ
19 UNITED STATES DISTRICT COURT JUDGE